

FILED

July 30, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ NM
DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MATTHEW ANDREW GARCES,

Plaintiff,

v.

CIVIL NO. SA-25-CV-609-OLG

FRED BIERY *et al.*,

Defendants.

O R D E R

The Court has considered United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (the "Report") (Dkt. No. 27), filed on July 1, 2025. Plaintiff Matthew Andrew Garces filed objections (the "Objections") (Dkt. No. 33) to the Report.

When a party objects to a magistrate judge's report and recommendation, the district court must conduct a de novo review as to those portions of the report and recommendation to which an objection is made. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Frivolous, conclusory, or general objections need not be considered by the district court. *See Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). Any portions of the magistrate judge's finding or recommendation that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

The Court has conducted a de novo review of those portions of the Report subject to the Objections and is of the opinion that the Report is correct, and that the Objections are without merit as to Judge Chestney's ultimate findings. Accordingly, the Objections (Dkt. No. 33) are **OVERRULED**, the Report (Dkt. No. 27) is **ACCEPTED** and, for the reasons set forth therein, Plaintiff's claims are **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e).

This case is **CLOSED**.

IT IS SO ORDERED.

SIGNED this 30 day of July, 2025.



ORLANDO L. GARCIA
United States District Judge